

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ALBUQUERQUE PUBLIC SCHOOLS,

Plaintiff,

v.

CV 19-1126 KG/JHR

AGATHA COOPER and
MALCOLM COOPER, as parents of Student,

Defendants.

AMENDED STIPULATED ORDER APPOINTING GUARDIAN AD LITEM

THIS MATTER having come before the Court for the appointment of a Guardian ad litem to assist the Court in evaluating a proposed settlement of this pending litigation benefiting J.N. ("J.N."), a minor child, the Court having reviewed the file and being otherwise fully advised, hereby finds:

1. A Guardian ad litem should be appointed by this Court in connection with the Court's consideration of matters relating to settlement of J.N.'s claims in this matter.
2. The Guardian ad litem should be appointed to investigate on behalf of the Court into the fairness and reasonableness of a proposed settlement and its effect on J.N.
3. The Court appointed Guardian ad litem should be entitled to participate, to have notice of all proceedings regarding the Court's consideration of the settlement, and to receive those documents and materials necessary to enable her performance of services on behalf of the Court.
4. The Guardian ad litem should have access to all educational, medical, and other records of J.N. that are relevant to the issues in this case.

5. At any hearing in this case, the Guardian ad litem should report to the Court on the nature and scope of her investigation, her conclusions, and her recommendations regarding both the fairness and reasonableness of the proposed settlement and the manner in which the settlement monies shall be held/used on behalf of J.N.

6. The Guardian ad litem's appointment should be limited to her role as a functionary of the Court. The Guardian ad litem's responsibilities under this appointment should be to the Court in fulfilling its obligation to J.N.

7. There are strong public policy reasons to grant immunity to the Guardian ad litem in this case, to the extent she acts as an "arm of the Court" and performs an essential role in this Court's administration of justice, as the Judge's assistant.

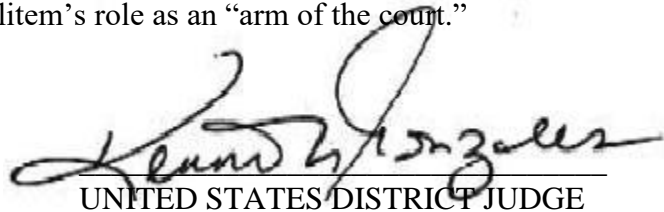
8. All immunities and privileges available to the Guardian ad litem, as articulated by the New Mexico Supreme Court in *Collins v. Tabet*, 1991-NMSC-013, 111 N.M. 391, should be extended to the Guardian ad litem in this matter.

9. Gabrielle Valdez is qualified to perform as a Guardian ad litem in this matter.

THEREFORE IT IS HEREBY ORDERED that Gabrielle Valdez shall be appointed Guardian ad litem for J.N., as an "arm of the Court," appointed in connection with this Court's consideration of a settlement involving a minor child, consistent with all findings above. Gabrielle Valdez shall be absolutely immune from any liability for her actions taken pursuant to this appointment, in so far as her conduct in the case is as a result of an investigation on behalf of this Court into the fairness and reasonableness of the settlement in its effect on the minor child. The Guardian ad litem's duties and obligations in this Court are owed to the Court in fulfilling its obligations to the minor child.

This appointment of Gabrielle Valdez as Guardian ad litem is intended to convey upon her all of the immunities and protections allowed or provided under *Collins v. Tabet*, 1991-NMSC-013, 111 N.M. 391.

Guardian ad litem fees shall be paid by Albuquerque Public Schools, shall be limited to those fees incurred in the Guardian ad litem's role as an "arm of the court."



UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

WALSH GALLEGOS TREVIÑO RUSSO & KYLE P.C.

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